

U.S. Patent Application Serial No. 10/699,836 .
Amendment filed June 10, 2007
Reply to OA dated February 23, 2007

REMARKS

Claims 2, 4 and 5 have been canceled without prejudice or disclaimer.

Claims 1, 6 and 7 have been amended, and claims 9 - 12 have been added in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. It is believed that this Amendment is fully responsive to the Office Action dated February 23, 2007.

Claims 1, 3 and 6 - 12 are currently pending in this patent application, claims 1, 6 and 7 being independent claims.

The following rejections are set forth in the outstanding Office Action:

(1) claims 1 - 4 and 7 are rejected under 35 U.S.C. §102(e) as being anticipated Funakoshi (U.S. Patent No. 6,480,346);

(2) claims 5, 6 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Funakoshi;

(3) alternatively, claims 1 - 4 and 7 are rejected under 35 U.S.C. §102(e) as being anticipated Hori (U.S. Patent No. 6,342,979); and

(4) alternatively, claims 5, 6 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hori.

The applicants respectfully request reconsideration of these rejections.

A significant claimed structural arrangement, now recited in independent claim 1, includes the outer peripheral portion of the objective lens and the lens holder being spaced apart by the adhesive layer on the entirety of the outer peripheral portion of the objective lens. As to independent claim 6, a significant claimed structural arrangement includes the entire circumference of the outer peripheral portion of the objective lens being provided with a clearance. In independent claim 7, a significant claimed structural arrangement includes the outer peripheral portion of the objective lens being supported by a plurality of projections spaced apart from each other along the circumferential direction of the objective lens.

As is clear in Funakoshi's Figures 2 and 4, Funakoshi's lens is directly held by the holder, and is not spaced apart on the entirety thereof through the adhesive layer. The layer 20 cited in this regard is provided between the lens and the lateral holding face (i.e., the surface to be in contact with the radial circumference of the lens) of the holder, which does not allow spaced-apart disposition of the lens holder on the entirety thereof, and has no function for absorbing the flexure of the lens holder. The applicants further submit that Funakoshi does not teach the applicants' claimed

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structural arrangement for holding the lens holder with a plurality of projections.

Accordingly, not all of the claimed elements of the claimed invention, as now recited in the amended claims filed herewith, are found in exactly the same situation and united in the same way to perform the identical function in Funakoshi's apparatus. Thus, there can be no anticipation of the applicants' claimed invention, as now recited in the amended claims filed herewith, based on the teaching of the Funakoshi patent.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 U.S.C. §102(e) based on Funakoshi (U.S. Patent No. 6,480,346) is in order, and is therefore respectfully solicited.

As to the outstanding obviousness rejection based on Funakoshi, claim 5 has been canceled; thus, the rejection of this claim is now moot.

As to independent claim 6, the transmission of the flexure of the lens holder to the objective lens can be effectively prevented, a significant advantage or benefit not of concern in Funakoshi. As to claim 8, this claim depends on independent claim 7, which has been amended so as to highlight the outer peripheral portion of the objective lens being supported by a plurality of projections spaced apart from each other along the circumferential direction of the objective lens. With such claimed

structural arrangement, lens posture can be stabilized with the support of the projections and distortion can be easily absorbed according to the design thereof, which are significant advantages or benefits lacking in the Funakoshi apparatus.

Accordingly, the withdrawal of the outstanding obviousness rejection under 35 U.S.C. §103(a) as being unpatentable over Funakoshi is in order, and is therefore respectfully solicited.

As to the other reference, Hori, this reference also does not teach spaced-apart disposition through the adhesive layer and the lens support by the projections. In this regard, although it appears that the lens is supported via the adhesive layer in a floating manner in Hori's Figure 4 (described therein as prior art), such arrangement merely shows a cross-section of a part of a lens-supporting structure as can be recognized from Hori's Figure 3, which does not teach the spaced-apart disposition of the entire circumference of the lens.

Accordingly, not all of the claimed elements of the claimed invention, as now recited in the amended claims filed herewith, are found in exactly the same situation and united in the same way to perform the identical function in Hori's apparatus. Thus, there can be no anticipation of the applicants' claimed invention, as now recited in the amended claims filed herewith, based on the teachings of the Hori patent.

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In view of the above, the withdrawal of the outstanding anticipation rejection under 35 U.S.C. §102(e) based on Hori (U.S. Patent No. 6,342,979) is in order, and is therefore respectfully solicited.

As to the outstanding obviousness rejection based on Hori, claim 5 has been canceled; thus, the rejection of this claim is now moot.

As to independent claim 6, the transmission of the flexure of the lens holder to the objective lens can be effectively prevented, a significant advantage or benefit not of concern in Hori. As to claim 8, this claim depends on independent claim 7, which has been amended so as to highlight the outer peripheral portion of the objective lens being supported by a plurality of projections spaced apart from each other along the circumferential direction of the objective lens. With such claimed structural arrangement, lens posture can be stabilized with the support of the projections and distortion can be easily absorbed according to the design thereof, which are significant advantages or benefits lacking in the Hori apparatus.

In view of the above, the withdrawal of the outstanding obviousness rejection under 35 U.S.C. §103(a) based on Hori is in order, and is therefore respectfully solicited.

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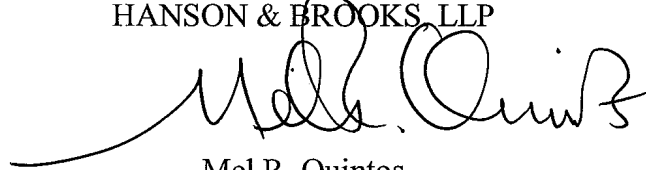
In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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